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October 1, 2015

James C. Francis, IV, USMJ  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Koltun v. Berry, et al.  
Index: 13-CV-1612 (PAC)(JCF)

Dear Judge Francis:

Please be advised that we are the attorneys representing Defendants Phillips and Cooper (the "County Defendants") in the above referenced file. Accordingly, we are in receipt of your Order dated September 30, 2015 and wish to clarify what Order was appealed and what claims are still outstanding per the Second Circuit's decision, as it is anticipated that Plaintiff may amend the complaint to revisit any and all claims against all defendants.

On March 21, 2014, Judge Crotty rendered an Order Adopting the Report and Recommendation of your Honor, dated July 19, 2013, which dismissed the case in its entirety against the County Defendants. Furthermore, the Order permitted Plaintiff to amend his complaint only with respect to the false arrest and supervisory liability claims alleged against the law enforcement defendants. Thereafter, on May 19, 2015, Judge Crotty dismissed the case against Plaintiff for failure to prosecute those specific claims. Accordingly, it was the May 19, 2015 order that Plaintiff appealed. Consequently, the only claims that Plaintiff is permitted to amend in his complaint, should he choose to do so, would be with respect to the false arrest and supervisory liability claims.

Thank you for your courtesies in this matter.

Very truly yours,

  
Carol C. Pierce  
Senior Assistant County Attorney

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